IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.11.2006

CORM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
and
THE HON'BLE MR. JUSTICE S. TAMILVANAN

Writ Petition No.6223 of 2001

Mrs. V. Rathnakumari .. Petitioner

Vs.

The Member Secretary
Chennai Metropolitan Development
Authority,
Chennai 600 008. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records of the respondent in Letter No.EN2/40690/2000 dated 12.2.2001 and quash the same and forbear the respondent from demolishing the petitioner's property Old No.11, New No.20, Thattankulam Street, Old Washermenpet, Chennai-21 as stated within.

For petitioner : Mr. A. Venkatesan

For respondent : Mr. J. Ravindran

..

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

Aggrieved by the letter dated 12.02.2001 of the Chennai Metropolitan Development Authority, calling upon the petitioner to demolish the unauthorised construction, the petitioner has filed the above writ petition to quash he said communication and consequently forbear the respondent from demolishing her property bearing Old No.11, New No.20, Thattankulam Street, Old Washermenpet, Chennai 600 021.

2. Heard the learned counsel for the petitioner as well as the respondent.

3. Several contentions have been raised by placing various orders of the Governmental authorities as well as the documents in support of the stand taken by the petitioner. However, in view of

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the decision of the First Bench of this Court in the case of Consumer Action Group vs. The State of Tamil Nadu reported in 2006 (4) CTC 483, constituting a Monitoring Committee and empowering them to issue directions, we are not inclined to go into those materials placed and pressed before us.

4. It is not in dispute that as per the direction of the First Bench in the above cited reference, in para 32 (v) it is clearly stated that, in the case of residential multi-storied buildings and special buildings, the monitoring committee has power to go into the violations if any, grievance of the respective parties as well as the stand of the official respondents. In view of the same, the writ petition is disposed of with a direction that the matter in issue be considered by the Monitoring Committee, after affording opportunity to both parties. In view of the fact that the petitioner had the benefit of stay order of the impugned proceedings through out, i.e., from 2001 onwards, the said order shall continue till final decision being taken by the Monitoring Committee.

With the above observation / direction, this petition is disposed of. No costs. Both parties are at liberty to place all the relevant / required materials in support of their respective stand before the Monitoring Committee.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Member Secretary
Chennai Metropolitan Development
Authority,Chennai 600 008.

1 cc to Mr.A.Venkatesan, Advocate, SR.52497
1 cc to Mr.J.Ravindran, Advocate, SR.52605

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